

REMARKS

Claims 31-59 remain in this application. Claims 1-30 have been cancelled without prejudice. New claims 31-59 have been added. The new claims are supported by the specification, and no new matter has been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §102(b) Rejection - Sezan

The Examiner has rejected claims 1-30 under 35 U.S.C. §102 (e and f) as being anticipated by U.S. Patent No. 6,236,395 issued to Sezan et al. (hereinafter referred to as “Sezan”). The Applicant respectfully submits that Sezan does not anticipate the pending claims.

Claim 40 recites a method comprising “*accessing, at a device, a portable medium including a machine-readable medium having user preference information stored thereon*” and “*identifying user preference information associated with the device using a user preference template corresponding to the device*”. Sezan does not teach or suggest these limitations. In particular, Sezan does not teach or suggest a user preference template corresponding to a device.

As understood by the Applicant, Sezan discusses the use of a user description scheme to provide information regarding a user’s preferences (see e.g., abstract). The user description scheme is standardized in order to provide portability. As discussed in Sezan, “[w]hen user description scheme is standardized among different manufacturers or products, user preferences become portable” (column 6, lines 8-9). Each of the multiple appliances apparently needs to know the structure (syntax and semantics) of the

scheme in order for the portability. As further discussed in Sezan, “[i]f the structure (syntax and semantics) of the description schemes is known amongst multiple appliances, the user (user) can carry (or otherwise transfer) the information contained within his user description scheme from one appliance to another, perhaps via a smart card--where these appliances support smart card interface--in order to personalize them” (column 11, lines 8-14). Still further, “[a] well defined and structured description scheme design allows different devices to interoperate with each other” (column 11, lines 47-49).

Now, applicant has carefully reviewed Sezan, and has found absolutely no teaching or suggestion whatsoever of a user preference template corresponding to a device. Applicant further submits that use of a standardized user description scheme having structure that is known among multiple appliances in order to provide information regarding the user’s preferences is different than identifying user preference information associated with the device using a user preference template corresponding to the device.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. “For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.” In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

Accordingly, **claim 40** is believed to be allowable over Sezan. **Claims 41-44** depend from claim 1 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Independent claims 31, 36, 45, and 48 each recite limitations similar to a user preference template corresponding to a device and are accordingly also believed to be

allowable. **Dependent claims 32-35, 37-39, 46-47, and 49-59** each depend from one of these independent claims and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: April 7, 2004

Brent E. Vecchia
Brent E. Vecchia
Reg. No. 48,011

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1030
(303) 740-1980

Docket No.: 42P11146
Application No.: 09/895,431